IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.108 OF 2005

Sumer Mal Daga ... Petitioner.

vs.

S.Kumars Online Ltd. ... Respondents.

Mr.A.G.Damle, for Petitioner.

Mr.M.N.Ramlingaiah, for Respondents

CORAM: D.K.DESHMUKH,J.

DATED: 6th June,2005

P.C.:-

1. By the Award impugned in this petition, the claim made by the petitioner is dismissed. Admittedly, the petitioner did not file even a statement of claim though he was served with the notice by the learned Arbitrator. The Arbitrator has also held that the documents on which the claim appears to be based, are not admissible in the evidence. The petitioner did not appear before the Arbitrator. The learned Counsel for petitioner submits that in view of the provisions of Section 25 of the Arbitration and Conciliation Act, in the absence of statement of claim, the Arbitrator should have terminated the proceedings

and not dismissed the claim, but that is not a ground raised in the petition. I do not find that there is any error in the Award. Hence, the petition is dismissed.